

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RODNEY G. SMITH, EXECUTIVE DIRECTOR
of the TEAMSTERS UNION 25 HEALTH SERVICES
AND INSURANCE PLAN,

Plaintiff,

v.

JETWORKS TECH INC.

Defendant.

Civil Action No. 04-12528-EFH

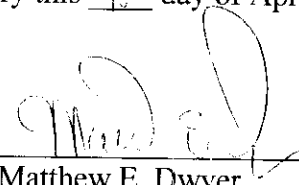
AFFIDAVIT OF MATTHEW E. DWYER

Matthew E. Dwyer, being duly sworn, deposes and states:

1. I am the attorney for Rodney G. Smith, as he is Executive Director of the Teamsters Union 25 Health Services and Insurance Plan (hereinafter, "Plaintiff"), and have personal knowledge of the facts set forth in this affidavit.
2. On December 1, 2004, Plaintiff filed a Complaint against Defendant, Jetworks Tech, Inc. (hereinafter, "Defendant").
3. As indicated by proof of service previously filed with this Court, the Massachusetts Secretary of State, serving in the capacity as the agent of a foreign corporation, was served with two copies of the Summons and Complaint in this matter on December 17, 2004.
4. More than 20 days have elapsed since the day on which the Defendant was served with the Summons and a copy of the Complaint.

5. Defendant has failed to plead or otherwise defend as to Plaintiff's Complaint or serve a copy of any answer or other defense which he may have had upon Matthew E. Dwyer or Kathleen A. Pennini, attorneys of record for Plaintiff.
6. This affidavit is executed by the affiant in accordance with Rule 55(a) of the Federal Rules of Civil Procedure for the purpose of enabling Plaintiff to obtain an Entry of Default against Defendant for its failure to answer or otherwise defend as to Plaintiff's complaint.

Signed under the pains and penalties of perjury this 15th day of April 2005.


Matthew E. Dwyer